

## REMARKS/ARGUMENTS

### I. NON-PRIOR ART MATTERS.

- A. The Office Action rejected claims 1-20 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office Action states: "Recitations such as 'high' on line 2 of claim 7 render the claims indefinite because the term is a relative and its meaning cannot be readily ascertained by one of ordinary skill in the art or discerned from the specification."

Claims need only "reasonably apprise those skilled in the art" for their scope and be "as precise as the subject matter permits."<sup>1</sup> The test of definiteness is whether one skilled in the art would understand the bounds of the claim when read in light of the specification. If the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, §112 demands no more.<sup>2</sup>

A claim need not describe the invention, such description being provided by the specification's disclosure section.<sup>3</sup>

The claim, in light of the specification, is not indefinite or incomplete.

MPEP 2173.05(b) Relative Terminology states:

The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. *Seattle Box Co. v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.

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<sup>1</sup> *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1385, 231 USPQ 81 (Fed. Cir. 1986)

<sup>2</sup> id.

<sup>3</sup> *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986)

Applicant submits herein two documents showing the use of the term "high-density polyurethane" in insulation applications. Applicant submits that one of ordinary skill in the art would understand what is claimed, in light of the specification.

## II. PRIOR ART MATTERS

- A. The Office Action rejected claims 1-4, 8-11 and 15 under 35 USC 103(a) as being unpatentable over McDonald in view of Ryan. Applicant respectfully traverses the rejection.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.<sup>4</sup> If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.<sup>5</sup>

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.<sup>6</sup>

Applicant respectfully traverses the § 103 rejection because the office action has not established a *prima facie* case of obviousness.

The reference does not teach or suggest all the claim limitations.

As to amended claim 1, the references do not disclose a door and frame combination wherein the door and frame can withstand a pressure differential of up to fourteen inches of air pressure. This amendment is supported in the specification as originally filed at page 5, line 16.

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<sup>4</sup>MPEP Sec. 2142.

<sup>5</sup> Id.

<sup>6</sup>Id. (emphasis supplied)

Claim 1 is therefore allowable.

Claims 1-4 and 8 contain additional elements or limitations beyond allowable claim 1 and are also allowable.

Claim 9 is allowable for the reasons given above in regard to claim 1.

Claims 10, 11 and 15 contain additional elements or limitations beyond allowable claim 9 and are also allowable.

B. The Office Action rejected claims 5, 12, 16, 17 and 20 under 35 USC 103(a) as being unpatentable over allegedly admitted prior art in view of McDonald and Ryan and further in view of Colliander. Applicant respectfully traverses the rejection.

As to claim 10, the cited references do not disclose opposed thermal pockets in the door and frame, the thermal pockets being filled with a second insulating material.

Claims 5, 12, 17 and 20 contain additional elements or limitations beyond an allowable independent claim and are also allowable.

C. The Office Action rejected claims 6,7, 13 and 14 under 35 USC 103(a) as being unpatentable over allegedly admitted prior art in view of McDonald and Ryan and further in view of Jansen. Applicant respectfully traverses the rejection.

Claims 6, 7, 13 and 14 contain additional elements or limitations beyond an allowable independent claim and are also allowable.

In addition, the cited references do not disclose opposed thermal pockets in the door and frame, the thermal pockets being filled with a second insulating material.

Jansen does not disclose thermal pockets in the door, but only in the frame.

D. The Office Action rejected claim 18 under 35 USC 103(a) as being unpatentable over allegedly admitted prior art in view of McDonald , Ryan and Colliander and further in view of Jansen. Applicant respectfully traverses the rejection.

Claim 18 has been canceled and its limitations incorporated into claim 16.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

Dated: 12 Nov 03

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